

ESTTA Tracking number: **ESTTA540101**

Filing date: **05/28/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	SATA GmbH & Co. KG
Granted to Date of previous extension	05/29/2013
Address	Domertalstrasse 20 Kornwestheim, 70806 GERMANY
Attorney information	Thomas J. Vande Sande Hall & Vande Sande, LLC 10220 River Road, Suite 200 Potomac, MD 20854 UNITED STATES tv@hvsllc.com Phone:301-983-2500

### Applicant Information

Application No	85712789	Publication date	01/29/2013
Opposition Filing Date	05/28/2013	Opposition Period Ends	05/29/2013
Applicant	Mike Ghorbani 411 North Palm Drive, #12 Beverly Hills, CA 90210 UNITED STATES		

### Goods/Services Affected by Opposition

Class 007. First Use: 2010/08/00 First Use In Commerce: 2010/08/00

All goods and services in the class are opposed, namely: Powered and pneumatic tools for automotive finishing, namely, paint spray guns, replacement cups for spray guns, compressed air filters for paint spray guns, air filters for paint spray guns, accessories for spray guns in the nature of adaptors, cups, collars, lids, and liners; pneumatic ratchets, pneumatic sanders, pneumatic grinders, pneumatic air control units in the nature of air regulators for pneumatic tools, pneumatic drills for automotive purposes, pneumatic riveters in the nature of rivet hammers, rivet guns, and air pop riveters, and accessories for pneumatic tools used in automotive finishing in the nature of air reels and air regulators

### Grounds for Opposition

The mark is deceptively misdescriptive	Trademark Act section 2(e)(1)
The mark is primarily geographically descriptive	Trademark Act section 2(e)(2)
The mark is primarily geographically deceptively misdescriptive	Trademark Act section 2(e)(3)

Attachments	scan061.pdf(126444 bytes )
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### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/thomasjvandesande/
Name	Thomas J. Vande Sande
Date	05/28/2013

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Atty. Dkt. 4003.920

Serial No. 85712789  
Mark: EURO and Design  
International Class: 7  
Filed: August 24, 2012  
Published: January 29, 2013

SATA GmbH & Co. KG

Opposer,

vs.

Mike Ghorbani

Applicant.

Opposition No.

NOTICE OF OPPOSITION

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313

Sir:

SATA GmbH & Co. KG (hereinafter "SATA" or "Opposer"), a German corporation located and doing business at Domertalstraße 20, 70806 Kornwestheim, Germany, believes that it will be damaged by registration of the mark shown in the above-identified application, and hereby opposes same.

As grounds of Opposition, it is alleged that:

1. Applicant is the owner of U.S. Trademark Application Serial No. 85712789 (the '789 application) for the mark EURO and Design for use in connection with powered and

pneumatic tools for automotive finishing, namely, paint spray guns, replacement cups for spray guns, compressed air filters for paint spray guns, air filters for paint spray guns, accessories for spray guns in the nature of adaptors, cups, collars, lids, and liners; pneumatic ratchets, pneumatic sanders, pneumatic grinders, pneumatic air control units in the nature of air regulators for pneumatic tools, pneumatic drills for automotive purposes, pneumatic riveters in the nature of rivet hammers, rivet guns, and air pop riveters, and accessories for pneumatic tools used in automotive finishing in the nature of air reels and air regulators, in International Class 7.

2. Opposer SATA's German engineered and manufactured paint spray guns have long been recognized throughout the global market as the benchmark by which competitors' goods might be measured. Occupying this esteemed position at times subjects SATA to attempts by vendors of inferior products to avail themselves of SATA's reputation for superior German design, product quality and performance.
3. SATA's paint spray guns and related accessories have been sold in the U.S. for many years and are recognized in the U.S. market as being of the highest quality in design, manufacture, and performance.
4. On information and belief, the goods recited in Applicant's '789 application are less expensive and inferior in quality to SATA's goods and are offered and sold, or are to be offered for sale, in the same channels of trade and to the same potential purchasers as the paint spray guns and related parts and accessories offered by SATA.
5. As Applicant's competitor in the paint spray gun market, Opposer has a real interest in the outcome of Applicant's attempt to register EURO beyond that of the public in

general. Additionally, the public interest is served by refusing registration to marks aimed at, or having the effect of, confusing the purchasing public as to the source of the goods.

6. In addition, Opposer avers that the registration of the mark of U.S. Trademark Application Serial No. 85712789 would work to SATA's disadvantage and would harm and damage SATA because it would deceive potential SATA customers into thinking that Applicant's paint spray guns are of European origin when, upon information and belief, they are not.
7. The purchasing public is likely to believe that the guns for which the EURO mark is sought to be registered originate in Europe.
8. The mark of the '789 application is not registerable to Applicant in that it is primarily geographically descriptive under Section 2(e)(2) in the event that Applicant's goods do originate in Europe.
9. Applicant's EURO mark, used in connection with goods not originating in Europe, constitutes a misrepresentation. This misrepresentation is likely a material factor in potential consumers' decisions to purchase the involved goods.
10. The mark of the '789 application is not registerable to Applicant in that it is primarily geographically deceptively misdescriptive under Section 2(e)(3).
11. Consumers would likely believe that Applicant's goods of European origin when in fact they are not. This geographic misrepresentation is likely material to consumers' decisions to purchase the goods so marked.

12. The mark of the '789 application is not registerable to Applicant in that it is geographically deceptive under Section 2(a).

13. In the event that Applicant's paint spray guns originate in Europe the EURO mark of the '789 application is primarily geographically descriptive. In the event that Applicant's paint spray guns do not originate in Europe, the mark is deceptively misdescriptive or primarily geographically deceptively misdescriptive of Applicant's goods. In any scenario, the mark is not registerable to Applicant under Section 2.

WHEREFORE, SATA prays that registration of the mark of said U.S. Trademark Application Serial No. 85712789 be refused and that this Notice of Opposition be sustained in favor of SATA.

Respectfully submitted,

HALL & VANDE SANDE, LLC

Date: \_\_\_\_\_

5/28/13

Thomas J. Vande Sande

Thomas J. Vande Sande  
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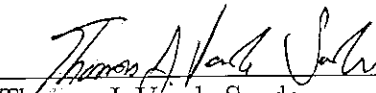
CERTIFICATE OF SERVICE

The undersigned, Thomas J. Vande Sande, attorney for Opposer hereby certifies that one (1) copy of the foregoing "NOTICE OF OPPOSITION" was this day served on Applicant by mailing same, first class mail, to:

Payam Moradian, Esquire  
Adli Law Group, P.C.  
633 West Fifth Street, Suite 6900  
Los Angeles, CA 90071

Date: \_\_\_\_\_

5/28/13

  
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